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Claims 1-4, 7-20, and 25-32 are pending in the present application. Claims 1, 2, 4, 15, 19-20, 25-26, and 28 have been amended hereby, and claim 5 has been cancelled, without prejudice or disclaimer. It is respectfully submitted that no new matter has been added by the present amendment.

The undersigned would like to thank the Examiner for his time and assistance during the telephone conference of August 1, 2006.

Claims 2-4 and 25 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 1-5, 15, 19, 25-27, 29, and 30 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 5,417,018 to Matsumoto et al. (hereinafter "Matsumoto et al."). Claims 1-2, 4-5, 7-8, 15-16, 19-20, 25, and 28-30 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 3,656,631 to Rauch et al. (hereinafter "Rauch et al.").

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Regarding the rejection of claims 2-4 and 25, it is respectfully submitted that claims 2, 4, and 25 have been amended hereby, as required by the Office Action. Withdrawal of the rejection of claims 2-4 and 25 under 35 U.S.C. § 112, second paragraph, is respectfully requested.

As understood by Applicants, both Matsumoto et al. and Rauch et al. relate to lifting apparatuses for use in building construction, whereby the lifting apparatus is supported by the structural members of the building under construction.

It is respectfully submitted, however, that the apparatus of Matsumoto et al. includes a plurality of lifting mechanisms (elements 14), with each lifting mechanism utilizing upper and lower guides (elements 17 and 18) detachably attached to the lower portion of the respective column (element 16) (see Matsumoto et al., col. 8, lns. 15-17; Figs. 2-4). Both the lifting mechanisms and the guides of Matsumoto et al. are positioned on the exterior of a periphery of the permanent columns of the structure (elements 10). In contrast, the basket of the tower crane of the present application is positioned within the bay defined by the vertical steel columns of the structure under construction, as recited in amended independent claims 1, 15, 19-20, 25-26, and 28. Applicants respectfully direct the attention of the Examiner to lines 14-18 of page 3 of the specification, and to Fig. 3 of the present

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application, which illustrates a positioning of the basket of the tower crane within the bay, according to an embodiment of the application.

In the self-lifting crane of Rauch et al., the outriggers (elements 12-13 and 15-16) have the capability of being extended to a position where they engage and receive support from horizontal structural members of a building being constructed. It is respectfully submitted, however, that the two outriggers on each side of the frame (e.g., the left upper outrigger 12 and the right upper outrigger 13) rest upon a single horizontal structural member of the building (see Rauch et al., col. 2, lns. 35-47; Fig. 4); that is, the horizontal structural members used for support are parallel to each other. In contrast, for the tower crane of the present application, at least two of the plurality of support members supporting the basket and the tower crane are positioned at a substantially right angle to each other, and the basket rests on the uppermost surface of at least one of these two support members, as recited in amended independent claims 1, 15, 19-20, 25-26, and 28.

Accordingly, it is respectfully submitted that amended independent claims 1, 15, 19-20, 25-26, and 28 are patentable over the cited references. It is further respectfully submitted that claims 2-4, 7-14, and 29 depend from amended

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independent claim 1, claims 16-18 and 30 depend from amended independent claim 15, claims 31-32 depend from amended independent claim 20, and claim 27 depends from amended independent claim 26, and are therefore also believed to be patentable over the cited references at least due to their dependency from patentable independent claims.

Withdrawal of the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) is respectfully requested.

This communication is believed to be fully responsive to the Office Action, and every effort has been made to place the present application in condition for allowance.

If an additional telephone interview would be of assistance in advancing prosecution of the subject application, the Examiner is respectfully invited to contact the undersigned at the number provided below.

If any additional fee is due in connection with the present response, the Commissioner for Patents is hereby authorized to charge the requisite fee to our deposit account number 02-0393.

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Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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